

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MICHIGAN**

<p>ELIZABETH MOELLER, individually and on behalf of all others similarly situated,</p> <p style="text-align: center;">Plaintiff,</p> <p style="text-align: center;">v.</p> <p>THE WEEK PUBLICATIONS, INC.,</p> <p style="text-align: center;">Defendant.</p>	<p>Case No. 22-cv-10666-TLL-PTM</p> <p>Hon. Thomas L. Ludington</p> <p>Mag. Judge Patricia T. Morris</p>
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JOINT MOTION TO ADJOURN FINAL FAIRNESS HEARING

Defendant The Week Publications, Inc. (“Defendant”) and Plaintiff Elizabeth Moeller (“Plaintiff”) (collectively, the “Parties”) hereby jointly move the Court to adjourn the final fairness hearing presently set for June 28, 2023, until October 5, 2023. In support of this Motion, the Parties state as follows:

1. On January 6, 2023, the Court preliminary approved the Parties’ proposed class action settlement, which, upon final approval, will fully and finally resolve all of Plaintiff’s and the Settlement Class members’ claims against Defendant related to the Michigan Preservation of Personal Privacy Act (ECF No. 23).

2. The Court set a final fairness hearing for June 28, 2023 (ECF No. 23) and Plaintiff timely moved for final approval of the class action settlement on May 22, 2023 (ECF No. 28).

3. In preparing for the final fairness hearing, Class Counsel and other Plaintiff's Counsel learned that CAFA notice was not provided to all of the appropriate federal and state officials as required by 28 U.S.C. § 1715 following the filing of Plaintiff's revised motion for preliminary approval. *See* 28 U.S.C. § 1715(b) (providing that "each defendant that is participating in the proposed settlement shall serve upon the appropriate State official of each State in which a class member resides and the appropriate Federal official, a notice of the proposed settlement").

4. Upon learning that the notice disseminated to the relevant government officials did not strictly comply with CAFA's requirements, Class Counsel and other Plaintiff's Counsel immediately notified Defendant's counsel of the deficiency and then promptly met and conferred to discuss how to remedy the deficiency.

5. CAFA provides that "[a]n order giving final approval of a proposed settlement may not be issued earlier than 90 days after the later of the dates on which the appropriate Federal official and the appropriate State official are served with the notice required under" the statute. 28 U.S.C. § 1715(d).

6. Accordingly, in order to ensure complete compliance with CAFA, the Parties agree that the most prudent course forward is for Defendant's counsel to instruct the Settlement Administrator to re-issue CAFA notice to all of the appropriate government officials and for the Parties to jointly seek adjournment of the final fairness hearing until October 5, 2023, which will allow for at least 90 days to lapse between the Settlement Administrator's dissemination of the revised, CAFA-compliant notice and the final fairness hearing.

7. Should the Court grant the requested adjournment, Defendant will promptly instruct the Settlement Administrator to disseminate the revised CAFA notice to all of the appropriate government officials, and Class Counsel will promptly cause the Settlement Website to be updated to reflect the new date and time of the final fairness hearing.

8. As there have been no objections to the Settlement, the requested adjournment, if granted, will not affect any other dates in the case.

THEREFORE, the Parties respectfully request that the Court enter an Order adjourning the final fairness hearing until October 5, 2023.

Dated: June 5, 2023

/s/ Philip L. Fraietta

BURSOR & FISHER, P.A.
Joseph I. Marchese
Philip L. Fraietta (P85228)
888 Seventh Avenue
New York, New York 10019
(646) 837-7150
jmarcese@bursor.com
pfraietta@bursor.com

Class Counsel

THE MILLER LAW FIRM, P.C.
E. Powell Miller (P39487)
Sharon S. Almonrode (P33938)
950 W. University Drive, Suite 300
Rochester, MI 48307
(248) 841-2200
epm@millerlawpc.com
ssa@millerlawpc.com

HEDIN HALL LLP
Frank S. Hedin
Arun G. Ravindran
1395 Brickell Ave, Suite 1140
Miami, FL 33131
(305) 357-2107
fhedin@hedinhall.com
aravindran@hedinhall.com

Plaintiff's Other Counsel

/s/ David C. Anderson (w/ permission)

COLLINS EINHORN FARRELL PC
David C. Andersen (P55258)
4000 Town Center, 9th Floor
Southfield, MI 48075
(248) 355-4141
David.Anderson@ceflawyers.com

RUBIN, WINSTON, DIERCKS,
HARRIS & COOKE, LLP
Walter E. Diercks
1250 Connecticut Avenue, NW, Suite
700
Washington, DC 20036
(202) 861-0870
wdiercks@rwdhc.com

Attorneys for Defendant

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**BRIEF IN SUPPORT OF JOINT MOTION TO ADJOURN FINAL
FAIRNESS HEARING**

The Parties, by and through their undersigned attorneys, and in support of his Joint Motion to Adjourn the Final Fairness Hearing, rely on the content of the Joint Motion.

Dated: June 5, 2023

/s/ Philip L. Fraietta

BURSOR & FISHER, P.A.
Joseph I. Marchese
Philip L. Fraietta (P85228)
888 Seventh Avenue
New York, New York 10019
(646) 837-7150
jmarchese@bursor.com
pfraietta@bursor.com

Class Counsel

THE MILLER LAW FIRM, P.C.
E. Powell Miller (P39487)
Sharon S. Almonrode (P33938)
950 W. University Drive, Suite 300
Rochester, MI 48307
(248) 841-2200
epm@millerlawpc.com
ssa@millerlawpc.com

HEDIN HALL LLP
Frank S. Hedin
Arun G. Ravindran
1395 Brickell Ave, Suite 1140
Miami, FL 33131
(305) 357-2107
fhedin@hedinhall.com
aravindran@hedinhall.com

Plaintiff's Other Counsel

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COLLINS EINHORN FARRELL PC
David C. Andersen (P55258)
4000 Town Center, 9th Floor
Southfield, MI 48075
(248) 355-4141
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RUBIN, WINSTON, DIERCKS,
HARRIS & COOKE, LLP
Walter E. Diercks
1250 Connecticut Avenue, NW, Suite
700
Washington, DC 20036
(202) 861-0870
wdiercks@rwdhc.com

Attorneys for Defendant

CERTIFICATE OF SERVICE

I, Philip L. Fraietta, an attorney, hereby certify that on June 5, 2023, I served the above and foregoing on all counsel of record by filing it electronically with the Clerk of the Court using the CM/ECF filing system.

/s/ Philip L. Fraietta

Philip L. Fraietta

BURSOR & FISHER, P.A.

888 Seventh Avenue

New York, NY 10019

Tel: 646.837.7150